



COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

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COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Raymond L. Williams, Jr.
External Financial Auditor

DATE: February 10, 2004

SUBJECT: AIM Data Verification Report VA 01 (Poverty Reporting)

As a part of the AIM monitoring verification process, which currently includes review of the AIM/AMR Data Verification report and the AIM VA11 Reassessment report, I will now be reviewing the AIM VA01 report. Within this report is information relative the Area Agency on Aging collecting and reporting client poverty status information.

Attached is a copy of the report which has been provided by Leonard Eshmont, Information System Administrator through the monthly report status updates and the AIM training sessions. The latest version of the report can be found on the VDA website in the AIM report section.

Please notify your AIM Administrators of this change and have a current copy of the report generated for review during the Program Financial Compliance Review.

If there any questions concerning the schedule please contact me at 804 662-9347.

Attachment

VDA - Annual NAPIS Summary for Title III Services

VDA Sample Agency

From: 10/01/2001
To: 09/30/2002

Agency / Provider: VDA Sample Agency

UNDULICATED COUNTS OF PERSONS SERVED

Total Unduplicated Count of Persons Served in ALL Title III Funded Services		2,281
African American	1,162	50.94%
Hispanic Origin	12	0.53%
American Indian/Native Alaskan	2	0.09%
Asian American/Pacific Islander	78	3.42%
Non-Minority	1,027	45.02%
Rural	0	0.00%
Not Rural	2,115	92.72%
Rural Unknown	166	7.28%
Clients with Poverty Unanswered	1114	48.84%
Clients with Pov Unanswered and Cong Vol	13	0.57%
Clients in Poverty / Minority	350	15.34%
Clients in Poverty / Non-Minority	110	4.82%
Clients in Poverty	460	20.17%
Clients Not in Poverty	707	31.00%

Note: Poverty for these calculations are determined by the 'Yes' / 'No' question found in the 'Quick Form or Federal Poverty / Sliding Fee Form' category of the assessment screen

COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: AAA Directors

FROM: Bill Peterson

DATE: February 10, 2004

SUBJECT: **Spirituality and Aging Conference**

The Virginia Center on Aging is hosting a dinner seminar program and an all day conference related to meaning, ethics and spirituality in the second half of life. Proceeds will benefit our Alzheimer's research program. The workshop will be held in Richmond on March 10th and 11th. A conference brochure is attached.

Attachments

*The Virginia Center on Aging
is pleased to host two special
events on*

Spirituality and the Quest for Meaning

March 10 &
March 11, 2004

Richmond Marriott Hotel
500 East Broad Street
Richmond, Virginia
(804) 643-3400

*Major funding for these
events provided by
Bon Secours Richmond
Health System*

ABOUT THE EVENTS

The Wednesday dinner program and Thursday all-day conference are two separate events. You may attend either or both. Space is limited, so please register as soon as possible.

These programs are relevant for the general public, and should be of particular interest to professionals, advocates, and others working with older adults.

CEUs: General continuing education units and social work CEUs are available at additional cost.

Parking: The Richmond Marriott has made arrangements for parking at a reduced rate of \$5 a day.

Refunds: Because we become obligated for food and other expenses one week before the events, we can make no refunds after March 2, 2004.

***Proceeds from these events will
benefit the Virginia Center on
Aging and its Alzheimer's
research program.***

ABOUT HARRY. R. MOODY, PH.D.

Dr. Moody is the author of over 100 works, including *Abundance of Life: Human Development Policies for an Aging Society* (Columbia University Press), *Ethics in an Aging Society* (Johns Hopkins University Press), *Aging: Concepts and Controversies* (Sage). His latest book, *The Five Stages of the Soul: Charting the Spiritual Passages that Shape Our Lives* (Doubleday-Anchor Books), has been translated into seven languages and is hailed by the International Religion News Service as a “rare and remarkable glimpse at the workings of the human heart.”

Wednesday
March 10, 2004
6:00—9:00 pm

Conscious Aging

A thoughtful, stimulating, and, at times, humorous dinner seminar program with Harry R. Moody, Ph.D., assessing the merits and shortfalls of the prevailing models of “successful aging” and “productive aging” and suggesting a more meaningful approach to valuing one’s later years. Includes full dinner featuring the Richmond Marriott’s renowned cuisine.

Thursday
March 11, 2004
8:00 am —5:00 pm

*The Journey of the
Soul: Spirituality in
the Second Half of Life*

8:00-9:00 am
Conference Registration

9:00-10:30 am
Welcome and Keynote
THE JOURNEY OF THE SOUL
Harry R. Moody, Ph.D.

10:30-11:00 am
Refreshment Break

11:00 am-12:15 pm
Concurrent Breakout
Sessions:

(a) SPIRITUAL AUTOBIOGRAPHY
Sr. Marie Cora Billings, RSM, Pastoral
Coordinator, St. Elizabeth Church,
Richmond

(b) WOMEN MYSTICS IN THE
MIDDLE AGES
Rebecca H. Weaver, Ph.D., Dickinson
Professor of Church History,
Union-PSCE, and
William E. Blake, Jr., Ph.D., Professor
Emeritus of History, VCU

(c) SPIRITUAL TASKS OF
LATER LIFE
Henry C. Simmons, Ph.D., Director,
Center on Aging, Union-PSCE

12:30-1:30 pm
Luncheon

1:45-3:15 pm
Panel discussion
PERSPECTIVES ON THE
JOURNEY IN LATER LIFE:
(Moderated by *Cliff Edwards, Ph.D.*,
Professor of Religion, VCU)

Buddhist - *Jean Frostick*, Kagyu
Shenpen Tharchin Tibetan Meditation
Group, Ekoji Buddhist Sangha
Hindu - *Neil Bhatt*, Teacher of
Vedantic Philosophy and Trustee of
the Chinmaya Mission
Jewish - *Jack D. Spiro, Ed.D.*, Lyons
Distinguished Chair in Judaic
Culture, VCU
Sufi Muslim - *Harry R. Moody, Ph.D.*
Sikh - *Balwnat Singh Sekhon*,
Richmond Sikh Association

3:30-4:30 pm
Closing Plenary
THE LATE STYLE OF ARTISTS:
MIRROR, MEANING, AND SELF
Harry R. Moody, Ph.D.

4:30-5:00 pm
Conference Wrap-up

*Both programs will be held at the
Richmond Marriott
500 East Broad Street,
Richmond, VA 23219*

*Special overnight lodging rate of \$99.00
at the Marriott.
Call (804) 643-3400 to make your
lodging reservations.*

Registration Fees:
Please make checks payable to
the Virginia Center on Aging, and
mail to:

Box 980229
Richmond,VA 23298-0229

**For more information, call
(804) 828-1525**

Dinner Program
March 10: \$60 ____

Full Day Conference
March 11: \$55 ____

Dinner Program & Conference
March 10 & 11: \$105 ____

Please indicate your preference for
the breakout session:
A ____, B ____, C ____

Name

Address

City, State Zip

Phone or Email

Special Needs?

Detach and mail with your check

For people in the second half of life and those who journey with them...

COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen Nau

DATE: February 10, 2004

SUBJECT: National Family Caregiver Support Program

Articles of Interest:

Effects of a Caregiver Intervention on Negative Caregiver Appraisals of Behavior Problems in Patients with Alzheimer's Disease: Results of a Randomized Trial
Journal of Gerontology: Psychological Sciences 2004, Vol.59B, No. 1, P27-34

Behavior problems associated with dementia have a great effect on the attitudes of caregivers. This study suggests that counseling and support for the caregiver can mediate caregiver reaction to these problems. An abstract of the article can be accessed at <http://intl-psychsoc.gerontologyjournals.org/cgi/content/abstract/59/1/P27>.

Family Perspectives on End-of Life Care at the Last Place of Care
JAMA. 2004;291:88-93

This article concludes that family members of decedents who received care at home with hospice services were more likely to report a favorable dying experience. An abstract of this study of the experience caregivers with loved one dying in institutional settings or home settings can be located on the JAMA website: <http://jama.ama-assn.org>.

SUBJECT: National Family Caregiver Support Program
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Talking with Aging Parents about Finances

Montana State University Extension Service MONTGUIDE MT199324 HR
reprinted 10/03

This article outlines a course of action for dealing with family finance issues with aging parents. The article can be downloaded free from www.montana.edu/wwwpb/pubs/mt9324.html.

Family Caregiving and Public Policy Principles for Change
National Alliance for Caregiving

These principles were developed in 2003 by a collaborative group of family caregiver advocates. The advocates state that the United States needs to develop responsible social policy to address the needs of caregiving families. The eight principles in the report are purported by the authors to apply to all caregivers but implementation would vary by caregiver situation and setting. The report can be accessed at the National Alliance for Caregiving website: www.caregiver.org.

Policy Study on Alzheimer's Disease Care

Maryland Attorney General J. Joseph Curran, Jr.
Director, Health Policy Development, Jack Schwartz

The Attorney General of Maryland has issued a report focused on Maryland State law regarding Alzheimer's patients and their caregivers. The report can be downloaded in PDF format from <http://www.oag.state.md.us/Healthpol/Alzheimers.htm> or single printed copies are available by request via e-mail: kizdebski@oag.state.md.us or telephone: (410) 576-6327. The lengthy report explores many topics including: health care decisions; guardianship; advance planning; Medicaid; patient abuse and, driving and transportation issues. Attorney General Curran estimates that over 85,000 Marylanders are suffering from Alzheimer's disease.

Workshops:

American Red Cross Family Caregiving Program

This program is a series of nine presentations on aiding family caregivers. It includes such topics as: assisting with personal care; home safety, healthy eating; caring for the

SUBJECT: National Family Caregiver Support Program
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caregiver; moving elders; caring for a person with HIV/AIDS; caring for a person with Alzheimer's or dementia and, legal and financial issues. For more information on this program contact your local Red Cross chapter or <http://www.redcross.org/services/hss/care/family.html>.

Caring and Connecting – Building an Eldercare Knowledge Community
Online Professional Eldercare Professional Education

Five interactive online workshops will be conducted by Boston University from March 29 through April 9, 2004. Topics include: End of Life Issues; Middle Aging and Eldercare; Psychology of Caregiving; Living with Disabilities and, an in-house topic of choice for your staff. The fee is \$99 per person per workshop. \$79 if there are several persons from one organization participating in the workshop. For more information, contact <http://www.bu.edu/gerontology/Eldercare/caringandconnecting.htm>.

Living with Grief: Alzheimer's Disease

The Hospice Foundation of America will host their annual teleconference on April 28, 2004 from 1:30 PM – 4:00 PM EDT. (Note: this is the date of the annual VDA I&A and Care Coordination Training) A registration for organizations wishing to host the program for their staff members or general public is available on the organization's website: www.hospicefoundation.org

Communicating Effectively with Healthcare Professionals
Workshop Leaders Training Conference

This workshop to aid professionals help family caregivers communicate with healthcare professionals will be sponsored by the National Family Caregiving Association on February 27-28, 2004 in Dallas/FT Worth, TX. Applications are available on line at www.nfcacares.org.
For further information, contact John Paul Marosy at 508/854-0431 or jpmarosy@nfcacares.org

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MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen Nau, Human Service Program Coordinator

DATE: February 10, 2004

SUBJECT: Kinship Care

Intergenerational Day Care – Part 1 A Component of Work/Life Strategy

This article is the first in a series by John Paul Marosy in his newsletter, Elder Care/Work Balance from Bringing Elder Care Home LLC. Mr. Marosy interviews Maria Seton Ferris, IBM's Manager of Work/Life and Women's Initiatives. Ms. Ferris was instrumental in the planning of and development of an intergenerational day care center that serves up to 130 children and 50 frail older people per day. Interactive programs at the center involve both children and adults. My Second Home, a program of Family Services of Westchester County (New York) operates the center in cooperation with Mount Kisco Day Care Center. The interview is available at <http://www.bringingeldercarehome.com/newsletters/jan04newsletter.htm>.

Parenting Again: Amazing grace for grandmas

The Amazing Grandmothers Project in east Baltimore, Maryland is the subject of Linda Nansteel Lovell's article in the February, 2004 edition of The Lutheran. After eight initial meetings, this grandmother's group will continue with monthly meetings. At this particular meeting, a family style chili dinner is followed by grandchildren supervised by student nurses to play games, complete homework or other activities. The grandmothers have a program led by Katie Kluckman-Ault, a member of the faculty of Johns Hopkins School of Nursing faculty. The article also discusses a similar program in south Baltimore conducted by Kluckman-Ault. Rationale, funding and programs for

SUBJECT: Kinship Care

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the grandmothers' groups are discussed in the article. A discussion board and study guide accompany the article that is available at www.thelutheran.org/0402/page40.html.

KINCARE CONNECTION

Attached in PDF format is the February, 2004 issue of Kincare Connection, the newsletter published by Mountain Empire Older Citizens, Inc. KinCare program. Interesting articles on kinship care issues in the 2004 Virginia General Assembly, Valentine activities and an informative article are featured in this edition.

Intergenerational Generational Activities

Susan Williams, Executive Director of the League of Older Americans-Area Agency on Aging, Inc. reports that her agency is working with Family Services of the Roanoke Valley in their grandparents raising grandchildren program. The groups sponsored a joint conference on caregiving in September.

January 29, 2004 Kinship Care Initiative Taskforce and Information Network Meeting

If you missed the Task Force's January 29 meeting – you missed exciting presentations and discussions on intergenerational and relative as parents issues. Kelli Turner of the Virginia Department for Fire Prevention presented her intergenerational grant on fire safety. Members of the Task Force present for the meeting are already reviewing the curriculum for this fire safety program between seniors and elementary age students. Cindy Reeves of the Rockingham Memorial Hospital, Harrisonburg, Virginia, Strong Families/Great Youth Coalition summarized her organization's participation in the Protect and Respect Grant of Big Brothers/Big Sisters. She also summarized the progress Rockingham Memorial Hospital is making with its Brookdale Grant for grandparents raising grandchildren. Lyndell Lewis of the Virginia Department of Social Services discussed the progress of kinship care bills in the Virginia General Assembly. Senate Bill 78 has passed the Senate. It would provide a definition of kinship care to mean the full-time care, nurturing, and protection of children by relatives for the Code of Virginia. Francine Blum, Foster Grandparents Program of Senior Connections-Capital Area Agency on Aging concluded the meeting with a description of her Protect and Respect Grant. The program will provide senior mentors for school age children and has been very successful in recruiting mentoring volunteers.



KINCARE CONNECTION

VOLUME FOUR

ISSUE SIX

FEBRUARY 2004



Christmas for Kids

Mountain Empire Older Citizens Christmas for Kids Program provided Christmas for 168 children this year! The community response to Christmas for Kids was fantastic! Sponsors included area businesses, individuals, faith based groups, and AARP. A special thank you to the KinCare Advisory Committee for your support of this annual project.

Virginia General Assembly 2004 Session

There are three kinship care bills before this session of the General Assembly. Each of the bills was introduced by Senator Yvonne Miller, of Norfolk. To watch what is happening to these bills, you can log onto the 2004 legislative session at <http://leg1.state.va.us/> Then, click on bills and resolutions. You can check on the bills by their number or by clicking onto Senator Miller's name. The bills are: **SB 35** to establish a subsidized guardianship program for the benefit of children in the custody of the local Department of Social services or other child welfare agency who are living with relative caregivers and have been in foster care or living with relatives other than natural parents...

SB 78 Defines kinship care as the full-time care, nurturing, and protection of children by relatives, members of their tribes or clans, stepparents, or any adult who has a familial bond with a child. The bill requires a local board of social services to consider kinship care as an alternative to a foster care placement if it is in the child's best interest.

SJ 22 To study kinship care to determine the extent to which children in foster care are placed with relatives and the conditions under which children enter kinship care, the cost and sources of funds from all sources for kinship care, including the current policy of the Commonwealth regarding kinship care, the characteristics of kinship caregivers and their households, services provided to kinship caregivers and birth parents, the conditions under which, if any, birth parents may have access to their children, and whether and how plans to provide transition from temporary to permanent kinship care for children should be developed and implemented.

KinCare is a Program of

Mountain Empire Older Citizens, Inc.

www.MEOC.org

Carol Moore, M.Ed. KinCare Director

www.cmoore@meoc.org

KINCARE ACTIVITIES

Support Group

FEB. 10 AT 10:30 A.M. MEOC

WITH CAROLYN HUBBARD, LCSW

POT-LUCK LUNCH

GRANDPARENTS MEETING

FEB. 10 AT 1:00 P.M. ST. CHARLES SCHOOL

CELEBRATING GRANDPARENTS

FEB. 25 AT 12:45 P.M. COEBURN PRIMARY

SCHOOL IN FAMILY RESOURCE ROOM

DESSERT AND GRANDPARENTS MEETING

POSITIVE PARENTING TIPS

WILL MEET FEB 13 JONESVILLE

11:00 A.M. LUNCH PROVIDED

FAMILY FUN NIGHT

FEB 26 5:30 P.M.

DINNER AND DOOR PRIZES

CALL KINCARE 48 HOURS BEFORE FAMILY

FUN EVENT FOR TRANSPORTATION, IF NEEDED.

KINCARE ADVISORY MEETING

FEB 26 AT 11:30 A.M. MEOC

BROWN BAG LUNCH





Web Sites of Interest

Valentines Day Crafts

Down load templates and printables for Valentines Day at www.familyfun.com/magazine. Also look under their extensive craft section for Valentines. They also have recipes you can make with your children.

Everything from alphabet characters to games on Jan Brett's website. www.janbrett.com

For valentine crafts galore, try www.kidsdomain.com/craft/_Val.html.

Free Winnie-the-Pooh cards for all occasions and other crafts at www.allcrafts.net/valentines.htm

This web site has excellent crafts, cards, and learn how to say I love you in many languages at

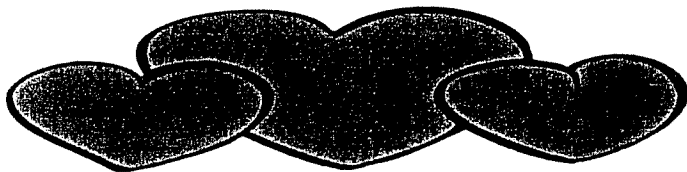
www.enchantedlearning.com/crafts/valentine

This site says, 'If you want your little one to express his/her love in a personal way, they're in luck!'

www.amazingmoms.com/htm/valentine_crafts.com

Crafts that are easy and use simple materials. Learn to make a heart wreath cut out of paper bags and stuffed with fabric scraps, fiberfill, or kleenex at

www.acplace.com/Crafts/valentine.htm



"People travel to wonder at the height of mountains, at the huge waves of the sea, at the long courses of rivers, at the vast compass of the ocean, at the circular motion of the stars, and they pass by themselves without even wondering."

Saint Augustine

February Recipes for Family Fun

Do you have the winter blahs? Bored because you can't get outside? Family Fun on their website has 25 ways to beat the winter blahs. If you and your family are still bored after all these activities they suggest even more family creative activities. One of these was have a picnic. This is something our daughter enjoyed. We would spread a quilt on the floor and have a picnic dinner. I'm sure she is having picnic dinners with her daughter on snowy North Carolina winter evenings. Enjoy smores with your picnic. This sweet treat is made with marshmallows, Hershey's chocolate, and graham crackers.

Aluminum foil is a great art medium. You can mold it to make jewelry. Shape it to make animal sculptures. You can even make a full set of knight's armor.

A towel can become a cape when pinned at the neck with a piece of old jewelry or fold over the towel and loosely tie at the neck with some string, yarn or ribbon. Velcro also works to hold the cape in place.

Play games. Monopoly, Scrabble, and Clue are still favorites. Teach your child a card game. My mother-in-law taught my children, when they were young, several card games she learned as a child. As they played, she told them stories of growing up in Mississippi.

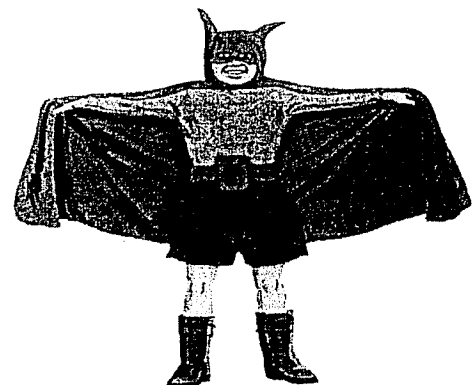
Teach your child how to sew on a button.

From Family Fun: make surprise bags. Fill a paper bag with a few ingredients, decorate, and set aside until the winter blahs arrive. They suggest filling the bag with:

A bunch of googly eyes, pom-poms, and glue for making creatures

A recipe for clay and the ingredients to make it

A magnifying glass, a spy notebook, and a secret code .



Teasing may become harassment. . .

Teasing becomes harassment if it is repeated or prolonged, threatens or results in violence, or involves inappropriate touching or physical contact. If harassment is suspected or anticipated, adults should intervene.

The "other 3 R's" . . .

In order to counteract teasing, children must feel comfortable and confident. This can develop from use of the "other 3 R's," **rehearsal**, **repetition** and **review**. Just as they must practice spelling words, parents and children must practice techniques for dealing with teasing.

Encourage children to talk with you again after they have tried some of these strategies. Tell them it takes practice to deflect teasing and that you want to continue helping them.

You can help your children understand that teasing cannot be prevented and they cannot control what others say. However, they can learn to control their own responses and reactions, which may help to "ease the tease."



Adapted from "Easing the Teasing: How Parents Can Help Their Children," by Judy S. Freeman. ERIC Clearinghouse on Elementary and Early Childhood Education. More information on this subject can be found on Ms. Freeman's web site, www.easingtheteasing.com.

Teasing...

Helping Children Cope



Virginia Coalition for Child Abuse Prevention

c/o Prevent Child Abuse Virginia
4901 Fitzhugh Avenue, Suite 200
Richmond, Virginia 23230
1-800-CHILDREN

Children who are teased on a school bus, in class or during recess often don't want to go to school.

Teasing among neighborhood children can cause the child who is the target to play alone. Teasing can occur anywhere and it is difficult to prevent, but parents can teach their children useful strategies to help them cope with teasing.

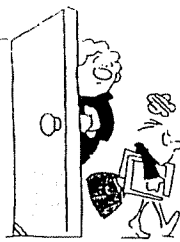
Not all teasing is harmful – playful teasing can be fun and constructive and can help children develop social skills that they will need in adolescence and adulthood. Playful teasing occurs when it causes everyone to smile or laugh, including (and especially) the person who is being teased. In contrast, hurtful teasing includes ridicule, name-calling, put-downs and saying or doing annoying things. The person being teased feels sad, hurt or angry.

When a child experiences teasing, it is important to see the problem from the child's point of view. Step one for a parent is to listen attentively to the child in a non-judgmental way. Do not overreact, which can cause the child to overreact as well. Convey the message, "You can handle this." Encourage the child to be with other children who make him or her feel good, not bad.

Some other strategies to teach children:

Self-talk. Encourage children to think about what they can say to themselves when they are in a teasing situation. A child could tell himself, "I can handle this." A child might ask himself, "Is the tease true?" Often, the answer is "No." He can remind himself of positive qualities to counteract the negative remarks.

Ignore. Displays of anger or tears often invite more teasing, therefore it is often effective for children to ignore the teaser. Parents can role play "ignoring" with their children taking care to praise them for their excellent "acting."



The "I" message. The child expresses how he feels, what has caused him to feel that way, and what he would like others to do differently. For example, a child could say, "I feel upset when you make fun of my glasses. I would like you to stop." This strategy works best in a supervised situation, such as a classroom. In other situations, it may lead to more teasing when the teaser perceives the child being teased is upset.

Visualization. Many young children respond well to visualizing words "bouncing off" of them. This image can be created by showing how Nerf balls bounce off a person. The child may visualize a protective shield around him that helps the teases bounce off. This gives the child the message that he or she can refuse the put-downs.



Reframing. The child can try turning the teasing into a compliment. For example, a child teases another about her glasses, calling her "four-eyes." The child being teased could respond, "Thanks for noticing my glasses." Another child might respond to a tease by saying, "That is a great put-down."

Agree with the facts. The teaser says "You have so many freckles." The teased child responds, "You're absolutely right, I do have a lot of freckles." This shows the teaser that the child is not a victim.

"So?" The response of "so?" to the teaser conveys indifference – that the tease doesn't matter. Children find this response simple, yet quite effective.

Respond to the tease with a compliment. If the child is teased about the way he runs, he can answer, "You are a fast runner."

Use humor. Humor shows that little importance is placed on the put-downs or mean remarks. Laughing can often turn a hurtful situation into a funny one.

Ask for help. If the teaser is persistent, it may be necessary for the child to seek help from an adult.



Gardening With Kids

Winter Walks

Taking walks around the yard, I am amazed at the snowdrops. These tiny little flowers are pushing their stems through the snow and blooming. Winter is a great time of year to take a texture walk with your child. Point out the different kinds of bark on the trees. Feel the bark. Bark is actually a layer of dead plant tissue. It protects a tree similar to the way our skin protects our body. Notice the knots, ridges, and colors of the bark..

On warm days, you can rake up fallen leaves and pick up branches that have fallen during storms. You will also find a little green from the spring bulbs coming up through the soil. Winter is a great time to plan your garden. Include a little space for your children to grow a few vegetables or flowers.

Removing Snow from Trees

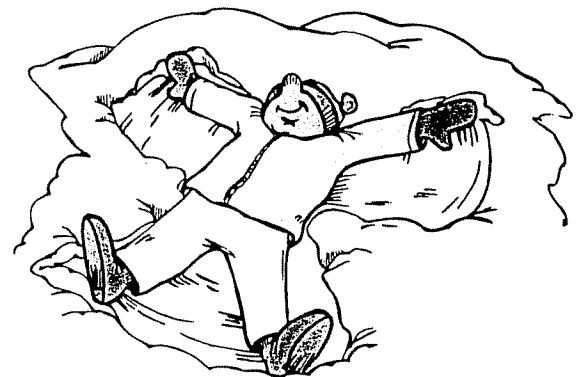
To remove snow from tree limbs, use a broom to sweep upward from below the branches, while the snow is fresh.

Poetry or Writing on Stones

You will need smooth stones like river rocks, old magazines, scissors, clear drying glue, small paintbrush, and spray varnish. Think of words or short poems which are special to your family. Write these down. Find the letters in an old magazine. Letters can be different shapes, colors, and sizes. Cut out the letters. Place them as you would on the stone. Pour glue into a small cup. With your paintbrush, spread enough glue on back of the letter for it to stick to the stone. Continue until your word or poem is glued. When the glue is dry, about twenty minutes, take the stone outside. Spray with a clear varnish. Let dry. Enjoy your stone.

From *Country Living Gardener* 2003/04

To make a snow angel: lay down in the snow and spread your arms and legs back and forth. Stand up. An angel print is left.



How to Get Through Winter

These are ten tips shared at the Grandparents Meeting during January at St. Charles Elementary School. The list came from the care2.com website.

1. Smile. Even if you're having a bad day, try to find at least one good thing that will bring a smile to your face.
2. Breathe. Stand with your feet and shoulder apart. Place your palms on your abdomen. Close your eyes. Slowly inhale through your nose. Hold for a count of five, exhale slowly through your mouth. Repeat 10 times.
3. Affirm. Make up self-affirmation and practice repeating it every day to keep a positive perspective.
I will not worry, no matter what comes my way today.
I choose to remain calm and relaxed, no matter what the circumstances. I trust myself completely.
4. Sing. Singing draws oxygen into your body, enhancing mental clarity, and banishing fatigue.
5. Use aromatherapy.
6. Spritz. A quick spritz of cool water on your face will revive your energy and hydrate your skin.
7. Let in the light. Open the curtains, lift the shades, add a few lamps with full-spectrum light bulbs.
8. Drink cold water. The cold liquid shocks your system into alertness.
9. Feel. Ask a loved one to give you a hug, hold your hand, brush your hair, rub your feet, or massage your shoulders. Then, return the favor.
10. Look. Feast your eyes on sunrise and sunset colors of oranges, yellows, pinks, and reds. These are the colors of fire, heat, and energy.



**Family Fun Night
Clothing Exchange
February 26**



Do you have clothing you or your children have outgrown?
Bring in your clean clothing for an exchange with other kinship caregivers.

Please sort clothing by sizes. We will have tables set up to place your clothing upon. We will also have bags for you to take your clothing home.

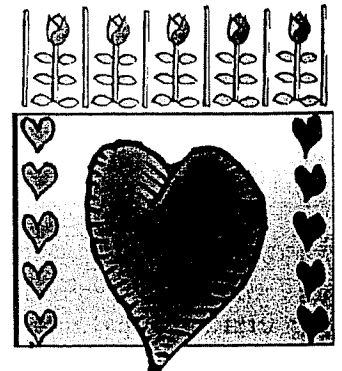
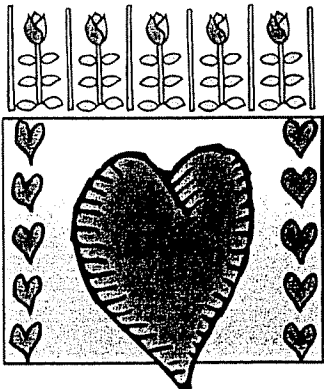
There will be games and activities for children while the adults sort and choose clothing.



Mountain Empire Older Citizens, Inc.
P.O. Box 888
Big Stone Gap, Virginia 24219
Area Agency On Aging

Non-Profit Organization
US Postage Paid
Big Stone Gap, VA 24219
Permit No. 25

Ellen Nau
Virginia Department of the Aging
1600 Forest Avenue
Suite 102
Richmond VA 23229



COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: AAA Directors

FROM: Bill Peterson

DATE: February 10, 2004

SUBJECT: **Selected Bills Introduced in the 2004 Session**

Attached is a list of selected bills introduced in the 2004 session of the General Assembly of potential interest to older Virginians and their families. The list is also available on the VDA website where it can be downloaded. This list of introduced bills is in addition to the comprehensive list found on the V4A web page:
<http://www.vaaaa.org/>.

Many bill descriptions in the summary are abbreviated. For complete and up-to-date descriptions contact the Virginia Division of Legislative Services at (804) 698-1500 or go to the Legislative Information System (LIS) web site: <http://legis.state.va.us/>. Remember: The descriptions listed reflect the wording of the bills at the time of their introduction. Because of amendments and substitutes, the description of many of the bills listed in this summary may have changed.

The 2004 sessions adjourns March 13. After this date, VDA will prepare a list of bills that pass or are continued until the 2005 session.

Attachment

2004 VIRGINIA GENERAL ASSEMBLY

Selected Bills & Resolutions of Interest to Older Virginians and their Families Introduced during the 2004 Session

This is in addition to the comprehensive list found on the V4A web page, found at:
<http://www.vaaaa.org/>

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Many bill descriptions in this summary are abbreviated. For complete and up-to-date descriptions, please contact Virginia Division of Legislative Services at (804) 698-1500 or go to the Legislative Information System (LIS) web site: <http://legis.state.va.us/>. Remember: The descriptions listed reflect the wording of the bills at the time of their introduction. Because of amendments and substitutes, the description of many of the bills listed in this summary may have changed.

A copy of this summary may be found on the Department for the Aging's web page: www.vda.virginia.gov.

The 2004 sessions adjourns March 13. Shortly after this date, the Department will prepare a list of bills that pass or are continued until the 2005 session.

ADULT PROTECTIVE SERVICES

HB 732 (Joannou) Adult protective services; release of reports made in bad faith.

Establishes a circuit court procedure for a person who is alleged to have committed abuse, neglect or exploitation of an adult to access adult protective services records when the allegation against the person is believed to be made in bad faith or with malicious intent. If the circuit court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that disclosure of the identity of the complainant would not be likely to endanger the life or safety of the complainant, it shall provide to the person a copy of the records of the investigation. The original records shall be subject to discovery in any subsequent civil action regarding the making of a complaint or report in bad faith or with malicious intent.

HB 1093 (Moran) Abuse and neglect of incapacitated adult; includes financial exploitation.

Includes within the crime of the abuse of an incapacitated adult, the financial exploitation of an incapacitated adult, and defines the term "financially exploits."

HB 952 (Ebbin) & SB 318 (J. Howell) Adult Protective Services; change in provisions, establishes Adult Protective Services Trust Fund & Adult Fatality Review Team.

Revises portions of existing adult protective services law, including reporting and investigation procedures of suspected adult abuse, neglect or exploitation. The bill requires the Department to initiate investigations of suspected adult abuse, neglect or exploitation within 24 hours of receiving a valid report in emergency situations, and no later than five days in all other situations. Local departments are required to notify the appropriate law-enforcement agency when in receipt of reports involving sexual abuse, serious bodily injury or disease, or criminal activity that places the adult in imminent danger of death or serious bodily harm. The bill adds persons certified or registered by health regulatory boards, certain mental health services providers, guardians and conservators, and other care providers to the list of persons who, acting in their official capacities, are mandated to report suspected cases of adult abuse, neglect or exploitation. Such persons must report cases to local departments or to the hotline immediately if the adult is in imminent danger of death or seriously bodily harm, or within 48 hours for all other cases. Similarly, the bill adds employees of accounting firms to the list of financial personnel required to report suspected cases of adult exploitation. Criminal penalties for anyone 14 years of age or older knowingly making a false report of adult abuse are established as a Class 4 misdemeanor, and a Class 2 misdemeanor for conviction of a subsequent false report. The bill also increases the initial time period in which adult protective services may be provided through an appropriate court order from five to 15 days. The bill establishes the Adult Protective Services Trust Fund as a special nonreverting fund within the state treasury. All civil penalties collected under the mandatory reporting provisions, and all other such moneys as may be allocated to the Fund, are to be disbursed for the development and operation of the adult protective services program. Finally, the bill establishes the Adult Fatality Review Team ("Team") to develop procedures to ensure that deaths involving abuse or neglect of adults age 60 or older, or incapacitated adults age 18 or older, are analyzed in a systematic way in order to help prevent such suspicious deaths in the future. The Team is chaired by the Chief Medical Examiner and is composed of various state and local agency and law-enforcement personnel. The Team's powers, duties and Virginia Administrative Process Act and Virginia Freedom of Information Act exemptions are modeled after those currently existing for the Child Fatality Review Team.

HJ 147 (Watts) Caregiver abuse, neglect, and exploitation of adults.

Requests the Virginia Department of Social Services to study the detection and reporting of caregiver abuse, neglect, and exploitation of adults. The Commissioner of the Department shall submit an executive summary and report of the progress in meeting the request of this resolution no later than the first day of the 2005 Regular Session of the General Assembly.

CAREGIVERS' GRANT

HB 90 (Purkey) & HB 1252 (Baskerville) Caregivers Grant Program.

Increases the grant available to a caregiver of a mentally or physically impaired relative from \$500 to \$3,000 if the caregiver can provide appropriate documentation that without such care, the relative would be domiciled in a nursing facility. Grants from this fund shall not exceed the amount appropriated by the General Assembly to the Virginia Caregivers Grant Fund. Grants from this fund shall not exceed the amount appropriated by the General Assembly to the Virginia Caregivers Grant Fund.

FUNERALS

HB 1219 (Spruill) Funeral services; certain exempt from licensure, membership of Board.

Exempts from licensure as a funeral services provider persons who sell items of merchandise to consumers that will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets. The bill also requires a majority of citizen members on the nine-member Board of Funeral Directors and Embalmers. The Board's current composition is seven funeral services licensees and two citizen members.

GUARDIANSHIP – and related issues

HB 139 (T. Kilgore) Health Care Decisions Act; persons who may witness an advance directive.

Removes the prohibition that a spouse or blood relative of the patient cannot serve as a witness of the signing of an advance directive. This provision authorizes any person over the age of 18, including a spouse or blood relative of the declarant, to serve as a witness for the advance directive.

HB 984 (Reese) Conservators & guardians; definition to include tax-exempt organization that provide services to incapacitated person.

Modifies definitions of "conservator" and "guardian" to include local and regional tax-exempt organizations established to provide conservatorial or guardian services to incapacitated persons who are receiving services from a community services board or behavioral health authority. Currently, in addition to persons appointed by the court, local or regional programs designated by the Department for the Aging may serve as "public" conservators and guardians.

HB 1103 (Moran) Conservatorship; definition to include tax-exempt organization that provide services to incapacitated person.

Modifies definitions of "conservator" and "guardian" to include local and regional tax-exempt organizations established to provide conservatorial or guardian services to incapacitated persons who are receiving services from a community services board or behavioral health authority. Currently, in addition to persons appointed by the court, local or regional programs designated by the Department for the Aging may serve as "public" conservators and guardians.

HB 494 (T. Kilgore) Guardianships; provisions for requests by child for incapacitated parent.

Expands the ability to name standby conservatorships from situations in which a parent or legal guardian has made such a request for an incapacitated child to situations in which a child can make such request for an incapacitated parent. Under the current statute, only parents or legal guardians may seek standby guardianship.

HB 229 (T. Kilgore) Power of attorney; acceptance of social security numbers.

Provides that the circuit court clerks must accept powers of attorney containing social security numbers for recordation if the person offering the power of attorney authorizes the clerk to cover or conceal

temporarily the social security number while the power of attorney is being recorded. This approach accommodates both concerns regarding identity theft and situations where a principal cannot execute a new power of attorney, and an existing power of attorney, containing a social security number, must be recorded.

HB 332 (Pollard) Power of attorney; acceptance of social security numbers.

Provides that the circuit court clerks must accept powers of attorney containing social security numbers for recordation if the person offering the power of attorney authorizes the clerk to cover or conceal temporarily the social security number while the power of attorney is being recorded. This approach accommodates both concerns regarding identity theft and situations where a principal cannot execute a new power of attorney, and an existing power of attorney, containing a social security number, must be recorded.

HB 961 (Barlow) Mentally retarded persons; appointment of guardian or conservator. Grants the court the discretion to elect not to appoint a guardian ad litem to represent the interests of the respondent in a guardianship or conservatorship proceeding only when (i) the respondent is 18 years of age or older and has a diagnosis of mental retardation; (ii) the respondent is the child of the petitioner; (iii) the petitioner has been the person primarily responsible for the care of the respondent for at least five years immediately preceding the filing of a petition; (iv) the petitioner provides the court with an independent evaluation report of the respondent performed by a licensed professional skilled in the diagnosis, care and treatment of individuals with mental retardation which shall document, to the best information and belief of its signatory, whether the respondent is an incapacitated person who needs a guardian, a conservator, or both; and (v) the respondent has not notified the court verbally or in writing that he desires the appointment of a guardian ad litem. If at any time subsequent to the filing of a petition the respondent notifies the court verbally or in writing that he desires the appointment of a guardian ad litem, the court must appoint a guardian ad litem immediately.

SB 19 (Puller) Guardians of incapacitated persons; prohibits change in marital status without prior court approval.

Eliminates the authority of a conservator for an incapacitated person to seek a divorce without prior court authorization. Guardians of incapacitated persons are prohibited from seeking a change in a person's marital status without prior court approval.

SB 35 (Y. Miller) Guardianship of children; subsidy for relative caregivers.

Directs the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social services or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person where the option of the child's reunification with his natural parents is eliminated and termination of parental rights is not appropriate.

HEALTH CARE – General

HB 1215 (Landes) Medicaid; Department of Medical Assistance Services to seek waiver to establish asset transfer limits.

Directs the Department of Medical Assistance Services to seek a waiver from the Centers for Medicare and Medicaid Services to establish asset transfer limits that are more restrictive than those currently permitted under federal Medicaid law or regulations.

HJ 85 (Marshall) Health care; joint subcommittee to study escalating cost of health care in Virginia; report. Establishes a joint subcommittee to study the escalating cost of health care in Virginia. The Joint Subcommittee also shall identify potential strategies and mechanisms to address the escalating cost of health care in Virginia, including chronic disease management techniques, provider payment incentive systems, the widespread distribution of comparative quality information about providers and effectiveness information about various medical procedures and tests, restrictive choices of providers, and cost-sharing approaches that provide increased incentives to patients to make cost-effective decisions about their use of health care resources. The joint subcommittee shall complete its meetings for the first year by November 30, 2004, and for the second year by November 30, 2005

HJ 160 (Brink) Pain management in long-term care facilities; Joint Commission on Health Care to study.

Directs the Joint Commission on Health Care to conduct a study of the issue of developing a pain management standard for long-term care facilities in Virginia. The Joint Commission is directed to report its findings by the first day of the 2005 Session.

SJ 24 (Marsh) Oral health care; Study access to and costs of oral health care. Establishes a joint subcommittee to study access to and the costs of oral health care. The joint subcommittee shall submit an executive summary of its findings and recommendations no later than the first day of the 2005 Regular Session of the General Assembly, indicating whether the joint subcommittee intends to submit to the Governor and the General Assembly a report of its findings and recommendations for publication as a document.

HEALTH CARE – Practitioners

HB 284 (Cosgrove) Income tax, state; tax credit for certain health care practitioners providing indigent care.

Provides an income tax credit to health care practitioners who provide free medical services to indigent persons who cannot pay for the services themselves. The amount of the credit is equal to 25 percent of the fee the practitioner would charge for the service, not to exceed \$1,000 annually for any practitioner. The credit would be available for taxable years beginning on or after January 1, 2005.

HB 285 (Cosgrove) Neighborhood Assistance Act; tax credit for donations of professional services.

Stipulates that physicians, dentists, nurses, nurse practitioners, physician assistants, optometrists, dental hygienists, professional counselors, clinical social workers, clinical psychologists, marriage and family therapists, physical therapists, and pharmacists who provide health care services within the scope of their licensure, without charge, to patients of certain free and not-for-profit clinics, shall be eligible for the income tax credit under the Neighborhood Assistance Act, regardless of where the services are delivered.

HB 1226 (Suit) Indigent care; Immunity from liability under certain circumstances for physicians rendering free care to indigents.

Provides that any licensed physician delivering health care services to individuals who are indigent but are not eligible for medical assistance services or any other program for reimbursement of health care services for low-income individuals shall not be liable for any civil damages for any act or omission resulting from the rendering of such indigent health care services when such services are delivered without charge at his office or a clinic, hospital or other health care facility that regularly charges patients for such services, in whole or in part, unless such act or omission was the result of such physician's gross negligence or willful misconduct.

HJ 135 (Morgan) Geriatricians; Joint Commission on Health Care to study access to and the availability of geriatricians and ways to increase geriatrics expertise among Virginia's health professionals. Directs the Joint Commission on Health Care to survey the Commonwealth's three medical schools and other health professional programs in Virginia's private and public institutions of higher education to ascertain how geriatrics is covered in the curricula and what, if any, plans have been or are being made to develop specific programs focused on geriatrics or incorporating appropriate principles into the present programs for surgeons, psychiatrists, neurologists, dentists, other specialty areas, and primary care specialties. Upon completion of its data collection and analyses, the Joint Commission must make recommendations concerning (i) the professionals that should be encouraged to study geriatrics, (ii) additions to any medical school or higher education curriculum, (iii) the number of geriatricians in various health professions and specialties that will be needed in Virginia by 2010, and (iv) initiatives for individuals enrolled in various medical and health care education to become geriatricians. The Joint Commission must report its findings by the first day of the 2005 Session.

HJ 205 (Bryant) Nurse practitioner prescriptive authority.

Requests the Board of Nursing and the Board of Medicine to collect information on nurse practitioner prescriptive authority. The Boards shall determine the impact of the authority to prescribe Schedule III through IV controlled substances and devices on patient care, provider relationships, third-party reimbursement, physician practices, and patient satisfaction with nurse practitioner treatment. The Board of Nursing and the Board of Medicine shall submit to the Division of Legislative Automated Systems an executive summary and the information collected on nurse practitioner prescriptive authority no later than the first day of the 2005 Regular Session of the General Assembly.

SB 415 (Newman) Medical malpractice; limit on attorney fees.

Provides that beginning with medical malpractice actions accruing on or after July 1, 2004, attorney fees shall be limited in accordance with the following fee schedule: 40 percent of the first \$50,000 of the sum recovered; 33 and one-third percent of the next \$50,000 recovered; 25 percent of the next \$500,000 recovered; and 15 percent of any amount greater than \$600,000 of the sum recovered.

SJ 19 (Howell) Community health workers; JMU to study status, impact, and utilization.

Requests James Madison University to study the status, impact, and utilization of community health workers. Community health workers are trained lay persons who, as trusted members of their communities, serve as health resource persons where they live and work, implementing culturally appropriate health education and outreach among groups that have traditionally lacked adequate health care.

HEALTH CARE FINANCING – Medicaid (see also PRESCRIPTION DRUGS)

SB 195 (Reynolds) Medical assistance services; Income eligibility for medical assistance services of aged and disabled individuals.

Requires the Virginia Medicaid program to increase the income eligibility of aged and disabled individuals to 100 percent of the federal poverty lines as allowed by federal law.

SB 196 (Reynolds) Virginia Health Access Plan.

Establishes the Virginia Health Access Plan (Plan) to be administered by the Department of Medical Assistance Services (DMAS), modeled on Vermont's Health Access Plan, to provide uninsured and underinsured adults in the Commonwealth with health benefits coverage.

HJ 42 (Athey) Medicaid; Joint Commission on Health Care to study current provision of brokered non-emergency transportation

Directs the Joint Commission on Health Care to study the current provision of brokered non-emergency transportation for Medicaid recipients through the Logisticare contract. The Joint Commission shall examine the previous pilot program in far southwest Virginia and the efforts by states similar to Virginia to provide cost-effective Medicaid transportation. Report due no later than the first day of the 2005 Regular Session of the General Assembly.

SJ 58 (Bell) Medicaid recipients; Joint Commission on Health Care to study improvement of costs of prescription drugs.

Directs the Joint Commission on Health Care to study the success of other states in improving services and lowering costs of health care and prescription drugs to Medicaid recipients through public-private partnerships, including other states' disease management programs, and to recommend whether Virginia should adopt similar programs. The Commission shall complete its meetings by November 30, 2004, and submit an executive summary of its findings and recommendations no later than the first day of the 2005 Regular Session of the General Assembly.

INSURANCE – Long Term Care

HB 1050 (Hamilton) Income tax; credit for purchase of long-term care insurance.

A BILL to amend and reenact § 58.1-322 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.11, relating to individual income tax deductions and credits for the cost of long-term care insurance premiums.

HB 1214 (Landes) Income tax; credit for purchase of long-term care insurance.

Provides a credit against individual income taxes for certain long-term care insurance premiums paid by individuals during the taxable year and sunsets the current individual income tax deduction for long-term care insurance premiums. An individual at least 55 years old, or an individual purchasing long-term care insurance for a Virginia resident at least 55 years old, is eligible for an individual income tax credit for insurance premiums paid by the individual for long-term care insurance coverage of Virginia residents at least 55 years old. The credit would be available beginning with the 2004 taxable year.

SB 266 (Edwards) Medical assistance services; long-term care partnership plan.

Requires the Board of Medical Assistance Services to establish, in the state plan for medical assistance services, a long-term care partnership plan to encourage the purchase of private long-term care insurance as the primary source of funding long-term care for the participant.

SJ 50 (Edwards) Public-Private Long Term Care Insurance Partnership Programs; study.

Requests the Department of Medical Assistance Services to study the feasibility of Public-Private Long Term Care Insurance Partnership Programs for Virginia. The Department must submit its executive summary to the 2005 Session of the General Assembly.

INSURANCE – Other

HB 814 (Eisenberg) Homeowners insurance; prohibits cancellation or nonrenewal for claims inquiries.

Prohibits homeowners insurers from canceling or refusing to renew homeowners insurance policies based solely on inquiries from insureds about potential claims for covered damages, but no claims have been filed.

HB 818 (Drake) Homeowners insurance; prohibits nonrenewal due to claims made within 24-months.

Prohibits an insurer from refusing to renew a homeowners insurance policy solely because of one or more claims made on the policy that occurred more than 24 months immediately preceding the upcoming anniversary date of the policy.

HB 1019 (Dillard) Homeowners insurance; policy nonrenewals for claims from other than natural causes.

Prohibits an insurer or agent from refusing to renew an insurance policy that was written on an owner-occupied dwelling solely because of a claim resulting primarily from other than natural causes, unless the claim is related to a substantial increase in the risk of loss that the insurer assumed under the policy. Currently, an insurer may not refuse to renew a policy due to claims resulting primarily from natural causes, but may do so for claims resulting primarily from any other cause.

HJ 143 (Marshall) Health insurance industry; joint subcommittee to study operations and escalating cost.

Establishes a 10-member joint subcommittee to study the escalating costs of health insurance in Virginia. This two-year study group must report by way of an executive summary posted by the first day of the 2005 and 2006 Sessions.

HJ 144 (Marshall) Health insurance industry; Bureau of Insurance to study operations and cost.

Requests the Bureau of Insurance to study the operations of the health insurance industry and the escalating cost of health insurance in Virginia. The Bureau of Insurance will report by the first day of the 2005 Regular Session of the General Assembly.

KINSHIP CARE

SB 78 (Y. Miller) Kinship care. Defines the practice of kinship care as the full-time care, nurturing, and protection of children by relatives, members of their tribes or clans, stepparents, or any adult who has a familial bond with a child. The bill requires a local board of social services to consider kinship care as an alternative to a foster care placement if it is in the child's best interest.

SJ 22 (Y. Miller) Kinship care program; JLARC to study need for and efficacy of establishing.

Requests the Joint Legislative and Audit Review Commission to determine (i) the extent to which children in foster care are placed with relatives and the conditions under which children enter kinship care; (ii) the costs and sources of funds from all sources for kinship care; (iii) the current policy of the Commonwealth regarding kinship care; (iv) the characteristics of kinship caregivers and their households, services provided to kinship caregivers and birth parents; (v) the conditions, if any, under which birth parents may have access to their children in kinship care; and (vi) whether and how plans to provide transition from temporary to permanent kinship care for children should be developed and implemented. The Commission must complete its meetings for the first year by November 30, 2004, and for the second year by November 30, 2005, and submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a document for each year.

NURSING HOMES, ASSISTED LIVING & VETERANS CARE

HB 813 (Eisenberg) Elderly frail persons; establishes congregate housing services program for frail elderly individuals.

Directs the Department of Social Services to establish a four-year pilot congregate housing services program for frail elderly individuals. The Department shall submit to the House Committee on Health,

Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services a report outlining the plan for the congregate housing services for frail elderly individuals by November 1, 2004, and operationalize the plan by March 1, 2005. the impact and effectiveness of the congregate housing services program for frail elderly individuals.

HB 635 (O'Bannon) Assisted living facilities; exception to regulations for those w/Alzheimer's care units.

Authorizes an exception to the regulatory requirement for assisted living facilities with special Alzheimer's care units that at least two direct care staff members be awake and on duty at all times who shall be responsible for the care and supervision of the residents under very limited circumstances.

HB 789 (Watts) Nursing homes; establishment of staffing standards.

Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of three and one-half hours of direct care services per resident per 24-hour period.

HB 891 (Sickles) Nursing homes and assisted living facilities; notification to electric utilities.

Requires the State Health Commissioner to notify electric utilities in Virginia on a quarterly basis as to the location of all licensed nursing homes in the State, and requires the Commissioner of the Department of Social Services to do the same for assisted living facilities. The purpose of the bill is to facilitate the restoration of electrical service and prioritization of customers during widespread power outages.

SB 181 (Blevins) Assisted living facilities; regulations for emergency electrical systems.

Directs the State Board of Social Services to promulgate emergency regulations to require emergency electrical systems in assisted living facilities.

HB 1178 (Bryant) Nursing facilities and nursing homes; vaccination of residents.

Requires, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each nursing home and certified nursing facility provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

HJ 151 (Dillard) & SJ 29 (Puller) Veterans care centers; Study need for and cost of additional veterans care centers and cemeteries.

Requests that the Department of Veterans Services study the need for and cost of additional veterans care centers and cemeteries. The Department of Veterans Services shall complete its meetings by November 30, 2004.

OLDER & DISABLED DRIVERS

HB 257 (Jones) Driver's license; requires vision exam for persons age 65 and older.

Requires that applicants for issuance or renewal of driver's licenses and learner's permits who are 65 years old or older must pass a vision examination.

HB 1197 (Scott) Driver's license; requires vision exam for persons 80/older, DMV to study effects of aging on driving ability.

Requires applicants for driver's licenses or renewal of their driver's licenses to pass a vision test if they are 80 years old or older. The bill also requires the Department of Motor Vehicles to study the effects of aging on driving ability, for the purpose of developing a comprehensive approach to licensing drivers.

SB 402 (O'Brien) Driver's licenses; requires vision exam for persons age 65 and older.

Requires that persons 65 years old or older pass a physician's vision examination before being issued a driver's license or learner's permit or having their driver's license or learner's permit renewed.

SB 362 (Colgan) Disabled parking license plates & placards; issuance to parents & legal guardian of disabled persons.

Provides for the issuance of disabled parking license plates and placards to the parents and legal guardians of persons with physical disabilities that limit or impair their ability to walk.

PRESCRIPTION DRUGS

HB 197 (Purkey) Prescription drug assistance for senior citizens; Virginia Insurance Plan for Seniors (VIPS).

Establishes the VIPS to provide assistance in the purchase of prescription drugs for those persons who are dually eligible for Medicaid and Medicare but who do not qualify for prescription coverage under Medicaid. Payment assistance is limited to \$80 per month per eligible person, but unused amounts may be rolled over and credited to that person for future use. However, no direct cash payment will be made to any eligible person. Participants must pay a \$10 copayment for each prescription. They are also required to use generic drugs unless they are willing to pay the difference between the generic and brand-name drug. The Department of Medical Assistance Services will seek a waiver for VIPS from the Centers for Medicare and Medicaid Services, if necessary; and set the effective date of the act as July 1, 2005, with implementation to occur on July 1, 2006.

HB 632 (O'Bannon) Prescription drugs; unlawful to assist individuals in procuring from a pharmacy or other source.

Provides that any person who directly or indirectly assists another in procuring for remuneration prescription drugs from a pharmacy or other source not licensed, registered or permitted by the Board shall be guilty of a Class 6 felony.

HB 1202 (Cline) Pharmaceutical assistance programs and discount purchasing cards; Development of single application form for pharmaceutical assistance programs and pharmaceutical discount purchasing cards.

Requires the Commissioner of Health and the Commissioner of the Department for the Aging to develop a single application form for Virginians to use to seek eligibility for various pharmaceutical assistance programs and pharmaceutical discount purchasing cards. The Commissioners must obtain copies of the application forms used by such pharmaceutical assistance programs and pharmaceutical discount purchasing cards in Virginia, compile a list of the various information required to complete such application forms, identify common elements, and analyze the forms for readability and simplicity. Upon completion of this analysis, the Commissioners must then design a single, concise application form that is logically formatted, written in clear and easily comprehensible language, and covers any and all data that may be required to obtain eligibility for any such pharmaceutical assistance program or pharmaceutical discount purchasing card. Upon completion of the design for the single concise application form for pharmaceutical assistance programs and pharmaceutical discount purchasing cards in Virginia, the Commissioners must place such application form on their respective departments' websites and cooperate with the programs and pharmaceutical companies to encourage the use of the design throughout the Commonwealth.

SB 158 (Potts) Pharmaceutical information; dissemination of Medicare benefits.

Requires the Commissioners of Health and the Department for the Aging to disseminate information to the public relating to recent congressional actions relating to pharmaceutical benefits to be provided under the Medicare program and how such benefits may help senior citizens with the costs of pharmaceutical

benefits. This bill also requires the Commissioner of Health and the Commissioner of the Department for the Aging to develop a strategy, in coordination with the Virginia Area Agencies on Aging, for training senior citizen volunteers to assist in completing applications for pharmaceutical assistance programs and pharmaceutical discount purchasing cards.

SB 377 (Deeds) Prescription Drug Payment Assistance Program; created, annual report on effectiveness.

Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs.

HJ 199 (Armstrong) Prescriptions drugs from Canada; memorializing Congress to remove restrictions on purchasing.

Memorializes the United States Congress to remove current restrictions on the purchasing of prescription drugs from Canada.

PRIVACY PROTECTION and Telephone Solicitation

HB 689 (Morgan) & SB 344 (Williams) Telephone Privacy Protection Act; prohibits telephone solicitation to persons on Do-Not-Call Registry.

Adds wireless telephones with a Virginia area code to the list of those telephone numbers that a telephone solicitor cannot call at any time other than between 8:00 a.m. and 9:00 p.m. A telephone solicitor is prohibited from calling a telephone number when such number has been placed on the federal Do Not Call Registry. The bill provides using a version of the federal Do Not Call Registry that was obtained no more than three months prior to the date of the telephone solicitation as an affirmative defense to an action brought for a violation of this section. The bill requires telephone solicitors to play a prerecorded identification message that states only the name and telephone number of the person on whose behalf the telephone solicitation call was being made, and that the call was for "telemarketing purposes," whenever a live person is not available within two seconds of completing the greeting.

HB 733 (Joannou) Health records; patient's executor or administrator may obtain copies.

Provides that a patient's executor or administrator also may obtain copies of a patient's health care records where the records are requested in anticipation of litigation or in the course of litigation. Currently only a patient, his attorney, or an authorized insurer may obtain copies of the patient's health care records.

HB 753 (May) Personal Information Privacy Act; restricting use of social security numbers.

Amends the Personal Information Privacy Act to prohibit (i) intentionally communicating or otherwise making available, in any manner, an individual's social security number to the general public; (ii) print an individual's social security number on any card required for the individual to access or receive products or services provided by the person or entity; (iii) requiring an individual to transmit his social security number over the Internet unless the connection is secure or the social security number is encrypted; (iv) requiring an individual to use his social security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the site; (v) requiring an individual to provide his social security number to access or receive goods or services, unless required by state or federal law; and (vi) printing an individual's social security number on any materials that are mailed to the individual, unless state or federal law requires the social security number to be on the document to be mailed. The bill also requires that insurance plans for state employees assign an identification number that is not a covered employee's social security number. Finally, the bill amends the Virginia Consumer Protection Act to prohibit a supplier from using a consumer's social security number when the consumer requests that his driver's license number be used. Current law requires that a supplier only provide an alternate number if the consumer so requests in writing. This bill provides

consumers with another option other than providing their social security numbers and writing to the supplier for a new number.

HB 872 (Byron) Identity theft; issuance of an Identity Theft Passport.

Authorizes the Attorney General, at the specific request of the Governor and with the concurrence of the attorney for the Commonwealth, to institute or conduct criminal prosecutions in the circuit court for the crimes of identity theft and the use of a person's identity with the intent to intimidate, coerce, or harass . The bill allows for a conviction under the identity theft statutes when the defendant uses a false or fictitious name. The bill requires the DMV, upon notification from the Attorney General that an Identity Theft Passport has been issued to a driver, to note the same on the driver's abstract. The bill directs child day programs that reproduce or retain documents of a child's proof of identity and age that are required upon the child's enrollment into the program to destroy them upon the conclusion of the requisite period of retention. The procedures for the disposal, physical destruction or other disposition of the proof of identity containing social security numbers shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or indecipherable by any means.

HB 877 (O'Bannon) Health records; procedure for certain patients to obtain access to their records. Revises the various laws setting out an exception to the patient's traditional access to his own health records to provide consistency to the procedure that must be used to ensure fair appraisal of the judgment of a treating physician or clinical psychologist concerning the potential harm to the patient or others that could result from such access.

HJ 134 (O'Bannon) Health records; Joint Commission on Health Care to study use and disclosure. Directs the Joint Commission on Health Care to study the use and disclosure of health records relative to Virginia law and the federal Health Insurance Portability and Accountability Act (HIPAA). The Commission shall complete its meetings by November 30, 2004, and the Director shall submit an executive summary of findings and recommendations by no later than the first day of the 2005 Regular Session of the General Assembly.

SB 337 (Stolle) Health records; privacy, access to health records; compliance with federal Health Insurance Portability and Accountability Act regulations.

Revises statutes relating to the Freedom of Information Act, civil procedure, denial of access to health records, juvenile and domestic court proceedings, health records privacy, involuntary commitment, court-appointed guardians and conservators; release of mental health information, and health insurance information to provide for consistency and assurances of compliance with federal regulations concerning disclosure and electronic transmission of protected health information promulgated pursuant to the Health Insurance Portability and Accountability Act.

TAXES – Property & Estate Taxes, Income Taxes

HB 94 (Cole) Real estate tax; increases asset amounts of elderly or disabled prior to reduced imposition.

Increases from \$8,500 to \$10,000 the amount of income of a non-spouse relative living with an elderly or disabled person that a locality may exclude in calculating the maximum income limitations in determining eligibility for real estate tax exemption or deferral for the elderly or disabled.

HB 95 (Cole) Real estate tax; increases transferred assets of elderly or disabled prior to reduced imposition.

Increases from \$5,000 to \$10,000 the maximum amount of assets that an elderly or disabled person needing live-in assistance from a relative and enjoying a real estate tax exemption may transfer without

adequate consideration, and still exclude the relative's income for purposes of determining maximum income for the tax exemption.

HB 96 (Cole) Real estate tax; amount of principal residence of elderly or disabled prior to reduced imposition.

Increases from \$100,000 to \$200,000 the maximum financial worth cap a locality may impose in providing real estate tax exemptions to the elderly or disabled.

HB 97 (Cole) Real estate tax; amount of land acreage of elderly or disabled prior to reduced imposition.

Increases from one to 10 the maximum number of acres a locality may exclude in calculating maximum financial worth of the elderly or disabled for real estate tax exemptions.

HB 98 (Cole) Real estate tax; increases amount of income for elderly or disabled prior to reduced imposition.

Increases from \$7,500 to \$10,000 the maximum amount a locality may exclude from the income of a totally disabled person in calculating maximum income allowed to provide real estate tax exemptions for the elderly or disabled.

HB 1064 (Armstrong) Estate tax; exemptions for closely held businesses or working farms.

Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less.

HB 154 (Van Yahres) Real estate tax; Charlottesville City may reduce for certain elderly and handicapped.

Adds Charlottesville to certain specified cities and counties that are authorized to have higher caps on total income and total financial worth than other cities and counties in determining real estate tax exemptions for the elderly and disabled.

SB 502 (Mims) Personal property tax; rate on motor homes.

Caps the tangible personal property tax rate on motor homes at the rate of tax and rate of assessment applicable to real estate in the county, city, or town.

HB 1134(McDonnell) & SB 392 (Norment) Estate tax; conformity of state and federal statutes.

Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978.

SB 263 (Lambert) Income tax, state; credit for purchase of long-term care insurance.

Provides a credit against individual income taxes for certain long-term care insurance premiums paid by the individual during the taxable year. The amount of the credit for each taxable year shall equal 10 percent of the amount paid during the taxable year by the individual in long-term care insurance premiums for long-term care insurance coverage for himself. The credit would be available beginning with the 2004 taxable year.

SB 361 (Colgan) Real estate tax; allows Northern Virginia to increase amount of income for elderly or disabled.

Permits northern Virginia localities to increase the income and financial worth limitations used to determine whether certain elderly or handicapped persons are eligible for exemption from or deferral of real property tax.

SB 122 (Watkins) Real estate tax; allows Goochland County to increase amount of income for elderly or disabled.

Permits Goochland County to increase the income and financial worth limitations used to determine whether certain elderly or handicapped persons are eligible for exemption from or deferral of real property tax.

SB 281 (Wampler) Income tax, state; increases personal exemption.

Increases the individual income tax personal exemption amount from \$800 to \$1,200 beginning with the 2004 taxable year.

SB 446 (Rerras) Income tax, state; increase personal exemption.

Increases, beginning with the January 1, 2004, taxable year, the personal exemption for Virginia taxable income purposes from \$800 to \$1,200 for each personal exemption allowable to the taxpayer for federal income tax purposes. For taxable years beginning on or after January 1, 2005, the \$1,200 personal exemption will increase based upon annual increases in the Consumer Price Index.

SJ 84 (Hanger) Constitutional amendment; exemption of certain motor vehicles from state & local taxation.

Amends the Constitution of Virginia to exempt privately owned motor vehicles used for nonbusiness purposes from state and local taxation. If this resolution is enacted by either the 2004 or 2005 General Assembly a second resolution must be introduced and enacted by the 2006 General Assembly in order for this amendment to be on the November 2006 general election ballot.

SJ 85 (Hanger) Constitutional amendment; assessment of real property.

Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request.

See also **HB 1050** and **HB 1214** under INSURANCE – Long-Term Care

TAXES – Sales & Use Taxes

HB 582 (Hamilton) Retail Sales and Use Tax; exemptions include food purchased for human consumption.

Reduces the state portion of the sales tax on food for human consumption from three percent to 1.5 percent with the revenue from the tax to be distributed as follows: (i) the revenue from the tax at the rate of one-half percent shall be distributed to the Transportation Trust Fund, and (ii) the revenue from the tax at the rate of one percent shall be distributed to localities based on school-aged population.

HB 1068(Armstrong) Retail Sales and Use Tax; exemptions include food purchased for human consumption.

Reduces the state portion of the sales tax on food for human consumption (i) to two percent from July 1, 2004, through June 30, 2005; and (ii) to one and one-half percent on and after July 1, 2005, and holds harmless the portion of the state sales tax currently dedicated to the Transportation Trust Fund and to localities based on school-age population.

TRANSPORTATION

HB 92 (Shuler) Vans; operation and safety inspections of those used to transport certain passengers.

Requires that persons who operate nine-15 passenger vans to transport passengers for or on behalf of any church; school; day care center, program or facility; or any other public or quasi-public entity have a special driver's license endorsement in order to do so. The bill also requires that these vans undergo a safety inspection at least once every six months, instead of once every 12 months.

See also **HJ 42** under HEALTH CARE FINANCING.

OTHER

HJ 103 (Reid) Aging population; study impact on demand for state agency services.

Directs the Joint Legislative Audit and Review Commission to study the impact of Virginia's aging population on the demand for state agency services. In conducting its study, the Joint Legislative Audit and Review Commission shall consult with the Commonwealth Council on Aging, the Commissioners of the Departments of Health and Mental Health, Mental Retardation and Substance Abuse Services, and the Director of the Virginia Retirement System. The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2004, and for the second year by November 30, 2005, and the Chairman shall submit an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year.

HB 300 (Ware) Donations by localities; authorized for organizations providing recreation or daycare to certain senior citizens.

Allows localities to make donations to any nonprofit organization providing recreational or daycare services to persons 65 years of age or older.

HB 971 (Barlow) & SB 242 (Norment) Post-Disaster Anti-Price Gouging Act.

Post-Disaster Anti-Price Gouging Act." The bill prohibits price gouging by suppliers selling, leasing, or licensing, or offering to sell, lease, or license, essential goods and services during times of disaster.

SB 382 (Puller) Department for the Aging; powers and duties of Commissioner and Department.

Establishes the Commissioner of the Department for the Aging as the Governor's principle advisor on aging issues and provides for the Commissioner to recommend policies, legislation and other actions appropriate to meeting the needs of an aging. The bill also requires the Department for the Aging to develop and maintain a four-year plan for aging services in the Commonwealth.

SB 128 (Watkins) Unemployment compensation; offset for retirement benefits.

Eliminates the offset for Social Security or Railroad Retirement benefits where the unemployment trust fund has a solvency level of 50 percent or more. At solvency levels below 50 percent, the offsets of 50 percent of retirement benefits remain in place.